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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
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08/704,400 08/27/96 SOMBROEK

R PHM 491A

E6M1/0326

ART UNIT PAPER NUMBER  
BRIER, J 15

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DATE MAILED:

03/26/97

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

### OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on 8/27/96

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

- ☒ Claim(s) 1 and 3-11 is/are pending in the application.  
Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
☐ Claim(s) \_\_\_\_\_ is/are allowed.  
☒ Claim(s) 1 and 3-11 is/are rejected.  
☐ Claim(s) \_\_\_\_\_ is/are objected to.  
☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.  
☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.  
☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.  
☐ The specification is objected to by the Examiner.  
☐ The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).  
☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.  
☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_  
☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

- ☒ Notice of Reference Cited, PTO-892  
☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_  
☐ Interview Summary, PTO-413  
☐ Notice of Draftsperson's Patent Drawing Review, PTO-948  
☐ Notice of Informal Patent Application, PTO-152

-SEE OFFICE ACTION ON THE FOLLOWING PAGES-

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**DETAILED ACTION**

***Response to Amendment***

1. The amendment filed on 8/27/96 has been entered.

***Specification***

2. The disclosure is objected to because of the following informalities: the spelling of maneuvering has been misspelled at page 4 line 13.

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 3-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato (Japanese Patent application publication no. 1-200285) and Takahashi (U.S. Patent No. 5,153,571). Kato describes a software routine running on the computer which increases the speed of the cursor after the cursor key has been depressed a predetermined amount of time. Applicant now claims that the manually operable data input device sends low speed data to the cursor control means during a predetermined time interval to cause the cursor to travel at a low speed

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and after the predetermined time interval sends high speed data to the cursor control means to cause the cursor to travel at a high speed. This feature of applicants invention is not taught by Kato. Takahashi teaches a mouse which can send low speed data to a cursor control means to cause the cursor to travel at a low speed and which can send high speed data to a cursor control means to cause the cursor to travel at a high speed. Takahashi outputs the low or high speed data in response to depression of switch 8a. The computer in Takahashi need not perform the software routine that the computer in Kato performs because the input device has already performed the routine. Thus, Takahashi teaches that it is well known at the time of applicants invention to alter the data output from a manually operable data input device in order to control the cursor speed. In view of Takahashi it would have been obvious to one of ordinary skill in the art at the time of applicants invention to modify Kato by altering the data from the keyboard's cursor key at the keyboard instead of at the computer because this will relieve the computer of additional processing.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1 and 3-11 have been considered but are moot in view of the new ground(s) of rejection.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A. Brier whose telephone number is (703) 305-4723. The examiner can normally be reached on Monday through Friday from 8:15am to 4:45pm eastern time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Powel, can be reached on (703) 305-3900. The fax phone number for this Art Unit is (703)-305-3989.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

March 25, 1997

*Jeffery A. Brier*  
JEFFERY BRIER  
PRIMARY EXAMINER  
GROUP 2600